

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012080672

ORDER DENYING REQUEST FOR
RECONSIDERATION

On August 23, 2012, Student filed a motion for stay put with the Office of Administrative Hearings (OAH) against the Los Angeles Unified School District (District) that contended that the District refused to implement provisions of the parties' settlement agreement that resolved OAH Case Number 201201856. The District did not file a response. On August 29, 2012, OAH issued an order that required the parties to provide a copy of the settlement agreement, and any additional briefing as to Student's stay put placement, by 5:00 p.m. on September 4, 2012. On August 31, 2012, Student provided the requested information. The District did not file any additional information. On September 5, 2012, the undersigned Administrative Law Judge granted Student's motion for stay put, which provided that Student shall attend a second grade special day class (SDC) at Weemes Elementary School (Weemes) that as closely as possible, replicates the first grade SDC.

On October 1, 2012, the District filed a request for reconsideration, asserting that no second grade SDC exists at Weemes that replicates Student's first grade SDC, and requesting that Student remain in his prior first grade SDC. Student did not submit a response. On October 8, 2012, OAH issued an order that required the parties additional information regarding Student's attendance at Weemes since September 6, 2012, including the SDC Student has attended, or if another District SDC more closely replicates the first grade Weemes SDC, by 5:00 p.m. on October 12, 2012. The District submitted its additional information on October 12, 2012, and Student on October 15, 2012.

APPLICABLE LAW

OAH will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to

previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION AND ORDER

The District alleges no new facts, circumstances, or law in support of the request reconsideration as the supplemental information provided by both parties indicates that the District is complying with the September 5, 2012 stay put order at Weemes. Additionally, the District did not adequately explain why it took 25 days after the issuance of the stay put order to file a request for reconsideration. Accordingly, the District's request for reconsideration is denied.

IT IS SO ORDERED.

Dated: October 16, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings